

PCT #
526 Rec'd PCT/PTO 13 JUL 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of

KOJIMA

Serial No.: 09/555,233

Filed: June 23, 2000



Examiner:

Art Unit:

Docket No.: P-9904 S

Based on: PCT/JP99/05290; Filed: September 28, 1999; Priority Date: September 28, 1998

For: Network System

Assistant Commissioner of Patents
Washington, D.C. 20231

RESPONSE TO NOTICE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)

SIR:

Applicant received a Notification of Missing Requirements Under 35 U.S.C. 371 mailed June 23, 2000, with a due date for response set for one month later, July 23, 2000. This Notification set forth the following as defective in the above National Phase application in the U.S.: The oath or declaration "is not executed accordance with either 37 CFR 1.66 or 37 CFR 1.68." (A copy of the Notification of Missing Requirements and of the Notification of a Defective Oath or Declaration is enclosed herewith.)

DECLARATION AND POWER OF ATTORNEY:

Applicant submits herewith an executed dual language (Japanese / English) Declaration and Power of Attorney in the above application.

SUBMISSION OF ASSIGNMENT:

Applicant also submits herewith an executed Assignment, along with the required Assignment Recordation form. A check in the amount of \$40.00 is attached to pay for the

U.S. Patent Application of KOJIMA
Serial No.: 09/555,233; Docket No.: P-9904 S



Assignment recordation fee. In the amount that this check is not sufficient, please check our account no. 10-0100.

SUBMISSION OF PRIORITY DOCUMENT:

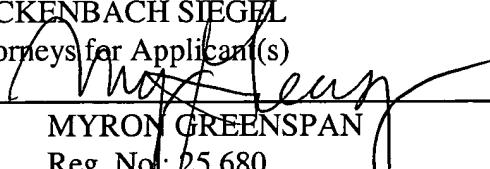
This application claims priority from Japanese Patent Application No. 10-274082 filed September 28, 1998. A certified copy of this priority document was not submitted with the initial filing, and is now being submitted to the U.S. Patent Examiner. It is respectfully requested that this document be made of record in any patent to issue on the above caption application.

It is believed that this application is now in condition for examination. A speedy progress to the examination stage is therefore respectfully solicited.

Dated: July 11, 2000

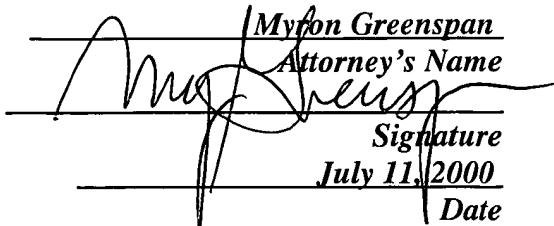
Respectfully submitted,

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MG/as

LACKENBACH SIEGEL
Attorneys for Applicant(s)
By: 
MYRON GREENSPAN
Reg. No.: 25,680

MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Services as first-class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the date indicated below:



Myron Greenspan
Attorney's Name

Signature

July 11, 2000

Date

Applicant here petitions that any and all extensions of time of term necessary to render this response timely be granted. Costs for such extensions and/or any other fee due with this paper that are not fully covered by an enclosed check may be charged to Deposit Account #10-0100.

09/555239



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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09/555,233

KOJIMA

P-2994-S

INTERNATIONAL APPLICATION NO.

MYRON GREENSPAN
LACKENSPAN SIEGEL
ONE CHASE ROAD
SCARSDALE NY 10583

5611

PCT/JP99/05290

I.A. FILING DATE PRIORITY DATE

09/28/99 09/28/98
DATE MAILED: 23 JUN 2000

JUN 28 2000

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494), an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee.
 Copy of the international application in: a non-English language. English.
 Translation of the international application into English.
 Oath or Declaration of inventors(s) for DO/EO/US. (Unexecuted)
 Copy of Article 19 amendments.
 Translation of Article 19 amendments into English.
 The International Preliminary Examination Report in English and its Annexes, if any.
 Translation of Annexes to the International Preliminary Examination Report into English.
 Preliminary amendment(s) filed and _____
 Information Disclosure Statement(s) filed 25 MAY 2000 and _____
 Assignment document.
 Power of Attorney and/or Change of Address.
 Substitute specification filed _____
 Statement Claiming Small Entity Status.
 Priority Document.
 Copy of the International Search Report and copies of the references cited therein.
 Other:

2. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
 b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
 c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
 The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

- d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a large entity small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY 21 OR 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: PCT/DO/EO/917 Notice of Defective Translation

PTO-875

FORM PCT/DO/EO/905 (December 1997)

Priscilla Young

National Stage Processing

Paralegal Specialist

(703) 305-3622

09/555233



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

U.S. APPLICATION NO.		FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/555,233		KOJIMA	
		5611	A P-9904 S
			INTERNATIONAL APPLICATION NO.
			PCT / JP99/05290
		I.A. FILING DATE	PRIORITY DATE
		09/28/99	09/28/98
			06/23/00
DATE MAILED:			

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. does not identify the specification to which it is directed.
3. does not identify the inventor(s).
4. does not identify the citizenship of each inventor.
5. does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. does not identify the city and state or city and foreign country of residence or each inventor.
2. does not state that the person making the oath or declaration:
 - a. has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

Telephone: (03)